

February 24 2003

**RE: Walsh & Kelly, Inc. 127-17201-03214**

TO: Interested Parties / Applicant

FROM: Paul Dubenetzky  
Chief, Permits Branch  
Office of Air Quality

## Notice of Decision - Approval

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to 326 IAC 2, this approval was effective immediately upon submittal of the application.

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204, **within eighteen (18) calendar days from the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for considerations at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosures

February 24, 2003

Mr. Richard Wise  
Walsh & Kelly, Inc.  
6600 U. S. Highway 12  
Portage, IN 46368

Re: 127-17201  
First Administrative Amendment to  
FESOP 127-15206-03214

Dear Mr. Wise:

Walsh & Kelly, Inc. was issued a FESOP on July 16, 2002, for a portable source, hot asphalt drum mixing plant. A letter requesting an administrative amendment was received on February 2, 2003. The letter requested that IDEM consider the testing requirements on the 300 ton per hour rock crusher located at the Portage plant, as specified in Condition D.3.3 of FESOP No. 127-15206-03214, as satisfied, based on testing conducted on the same rock crusher, which is currently located at Walsh & Kelly's Griffith plant, permitted under F089-15208-03215. According to 326 IAC 2-8-10(a)(5), an administrative amendment can be used for a "change to a monitoring, maintenance, or record keeping requirement that is not environmentally significant". Pursuant to the provisions of 326 IAC 2-8-10 the permit is hereby administratively amended as follows (~~strikeout~~ to show deletions and **bold** to show additions):

(1) Condition D.3.3 is amended as follows:

Pursuant to 40 CFR 60.675(c) and 40 CFR 60.11, opacity tests to determine compliance with operation condition D.3.1 shall be conducted within 60 days after achieving maximum production rate, but no later than 180 days after initial start-up. These tests shall be performed according to 326 IAC 3-6 (Source Sampling Procedures) utilizing U. S. EPA Method 9 (40 CFR Part 60, Appendix A) or other methods as approved by the Commissioner.

**Opacity testing on the rock crusher performed on October 14, 2002, will fulfill the above testing requirement. This testing was related to FESOP No. 089-15208-03215.**

All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this amendment and the following revised permit pages to the front of the original permit.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact Madhurima Moulik, at (800) 451-6027, press 0 and ask for Madhurima Moulik or extension 3-0868, or dial (317) 233-0868.

Sincerely,

Original Signed by Paul Dubenetzky  
Paul Dubenetzky, Chief  
Permits Branch  
Office of Air Quality

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cc: File - Porter County  
U.S. EPA, Region V  
Porter County Health Department  
Northern Regional Office  
Air Compliance Section Inspector - Dave Sampias  
Compliance Data Section - Karen Nowak  
Administrative and Development  
Technical Support and Modeling - Michele Boner

# **FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP) Renewal OFFICE OF AIR QUALITY**

## **Walsh & Kelly**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-8 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

Operation Permit No.: F127-15206-03214	
Issued by: Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: July 16, 2002  Expiration Date: July 16, 2007

1 <sup>st</sup> Administrative Amendment No.: 127-17201	Pages Modified: 34
Issued by: Original Signed by Paul Dubenetzky Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: February 24, 2003

## SECTION D.3

## FACILITY OPERATION CONDITIONS

### Facility Description [326 IAC 2-8-4(10)]:

- (j) one (1) portable tertiary crusher, with a maximum capacity of 300 tons per hour, using water spray for fugitive particulate emissions control.

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

## Emissions Limitations and Standards

### D.3.1 General Provisions Relating to NSPS [326 IAC 12-1][40 CFR Part 60, Subpart A]

The provisions of 40 CFR Part 60, Subpart A - General Provisions, which are incorporated by reference in 326 IAC 12-1, apply to the facilities described in this section except when otherwise specified in 40 CFR Part 60, Subpart OOO.

### D.3.2 Particulate Matter (PM) [40 CFR Part 60, Subpart OOO] [326 IAC 6-1-2]

- (a) Pursuant to the New Source Performance Standards, 326 IAC 12 and 40 CFR 60.672 (b),(c), Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants) the particulate emissions from the crushing operations and the conveying operations shall be limited to fifteen percent (15%) opacity or less and ten percent (10%) opacity or less, respectively.
- (b) Pursuant to 326 IAC 6-1-2 (Particulate Emissions Limitations), the allowable particulate matter emissions from the crushing operations is 0.72 lb/hr.

## Compliance Determination Requirements

### D.3.3 Testing Requirements [326 IAC 2-1-4(f)]

Pursuant to 40 CFR 60.675(c) and 40 CFR 60.11, opacity tests to determine compliance with operation condition D.3.1 shall be conducted within 60 days after achieving maximum production rate, but no later than 180 days after initial start-up. These tests shall be performed according to 326 IAC 3-6 (Source Sampling Procedures) utilizing U. S. EPA Method 9 (40 CFR Part 60, Appendix A) or other methods as approved by the Commissioner.

Opacity testing on the rock crusher performed on October 14, 2002, will fulfill the above testing requirement. This testing was related to FESOP No. 089-15208-03215.

## Compliance Monitoring Requirements

### D.3.4 Continuous Wet Suppression

Fugitive emissions from the crushing, screening, and conveying operations shall be controlled by utilizing a continuous wet suppression system in order to meet the requirements of condition D.3.2.